

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES KEITT,

Petitioner,

vs.

CA No. 04-362E

UNITED STATES PAROLE COMMISSION
DISTRICT OF COLUMBIA BOARD
OF PAROLE,

Judge McLaughlin
Magistrate Judge Baxter

Respondents.

MOTION FOR ENLARGEMENT OF TIME
TO FILE TRAVERSE TO PETITION
FOR WRIT OF HABEAS CORPUS

NOW COMES, Petitioner, James Keitt, pro-se, and moves this Honorable Court, pursuant to Rule 6 of the Federal Rules of Civil Procedure, and in support states as follows:

On December 9, 2004, Petitioner filed the instant Petition for Writ of Habeas Corpus. On April 11, 2005, the Respondent filed their response to the petition, wherein it opposes habeas relief. Upon receipt of the response, Petitioner had to find another prisoner to assist him in reviewing and perfecting a reply. The assisting prisoner needs some additional time to research Respondent's contention that the Parole Commission may consider any relevant evidence, even if such evidence is erroneous, as long as the evidence can be classified as conduct connected with the offense of conviction.

Further, the assisting prisoner must also research Respondent's contention that the application of the revised parole guidelines does not violate the Ex Post Facto Clause under the test promulgated in Allston v. Gaines, 158 F.Supp.2d 76, 82-83 (D.D.C. 2001).

Petitioner is unaware of any rule governing the filing of

a habeas traverse brief. He is, however, mindful of the time that has lapse since the Respondent filed its response. Rule 6, provides that an enlargement of time is appropriate when the request is made within the time for doing a specific act. The Rule also provides that after the expiration of the specified period, the Court may permit the act to be done where the failure to act was the result of excusable neglect.

WHEREFORE, for the reasons stated herein, Petitioner request this Honorable enlarge the time for filing a traverse to Respondent's response, up to and including August 6, 2005.

Dated: 7-7-05

James Keitt
James Keitt #05240-016
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

CERTIFICATE OF SERVICE

The undersigned certifies that on the date listed below, a true and correct copy of the foregoing document was conveyed to prison authorities for mailing, with first class U.S. postage prepaid and properly addressed to the following party:

Christy Criswell Wiegand
Assistant U.S. Attorney
U.S. Courthouse & Post Office
700 Grant Street, Suite 400
Pittsburgh, PA 15219

Date: 7-7-05

James Keitt
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